

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Francesco FONTANAZZI et al.)
) **Group Art Unit: Not Yet Assigned**
Application No.: **Not Yet Assigned**)
) **Examiner: Not Yet Assigned**
Filed: **June 28, 2004**)
)
National Stage of International Application No.)
PCT/IB02/05572 under 35 U.S.C. 371, for **NON-**)
INVASIVE DEVICE FOR MEASURING BLOOD)
TEMPERATURE IN A CIRCUIT FOR THE)
EXTRACORPOREAL CIRCULATION OF)
BLOOD, AND EQUIPMENT PROVIDED WITH)
THIS DEVICE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO-1449 and cited in the international search report. With exception of the U.S. patents, copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO-1449 and indicate that they were considered by making an appropriate notation on this form. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

The following are listed on the accompanying PTO-1449 and are in a non-English language:

1. WIPO Publication No. WO 01/33214 A2

An English language abstract of this document is enclosed.

Also, enclosed is an English-language international search report from the European Patent Office in the PCT international application, from which this national phase U.S. application is derived.

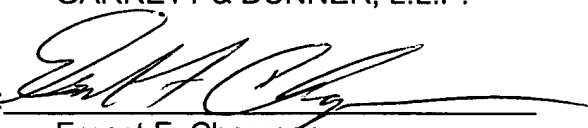
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 9, 2004

By: 
Ernest F. Chapman
Reg. No. 25,961

Enclosures
EFC/FPD/sci

INFORMATION DISCLOSURE CITATION

10 Rec'd PTO

JUL 2004
OMB No. 0651-0011

10 Rec'd PTO

JUL 2004

Atty. Docket No. 07552.0032	Application No. Not Yet Assigned
Applicants Francesco FONTANAZZI et al.	
Filing Date June 28, 2004	Group: Not Yet Assigned

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,243,883	01/06/81	SCHWARZMANN			
	5,261,874	11/16/93	CASTLE			
	5,615,672	04/01/97	BRAIG et al.			
	5,588,959	12/31/96	AHMAD et al.			
	4,774,415	09/27/88	BIEGEL et al.			
	4,894,164	01/16/90	POLASCHEGG			
	4,091,672	05/30/78	AMRINE et al.			
	5,150,969	09/29/92	GOLDBERG et al.			
	4,444,498	04/24/84	HEINEMANN			
	6,283,632 B1	09/04/01	TAKAKI			
	5,180,896	01/19/93	GIBBY et al.			
	5,539,673	07/23/96	CHARM et al.			
	5,211,626	05/18/93	FRANK et al.			

FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

INFORMATION DISCLOSURE CITATION

Atty. Docket No. 07552.0032	Application No. Not Yet Assigned
Applicants Francesco FONTANAZZI et al.	
Filing Date June 28, 2004	Group: Not Yet Assigned

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	WO 93/06775	04/15/93	WIPO			
	WO 95/04266	02/09/95	WIPO			
	WO 94/01749	01/20/94	WIPO			
	WO 94/12859	06/09/94	WIPO			
	WO 94/27495	12/08/94	WIPO			
	WO 92/13482	08/20/92	WIPO			
	WO 96/04535	02/15/96	WIPO			
	WO 01/33214 A2-A3	05/10/01	WIPO			ABSTRACT
	WO 98/38953	09/11/98	WIPO			
	EP 0 720 013 A2	07/03/96	EUROPE			
	EP 1 132 101 A1	09/12/01	EUROPE			
	EP 0 231 652 A2	08/12/87	EUROPE			
	EP 0 364 579 A1	04/25/90	EUROPE			
	WO 93/23747	11/25/93	WIPO			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

HIEB, M. G. et al., "Temperature Control For Portable Diagnostic System", Patent Abstract of European of EP 0 641 434 B1, issued 08/29/01.
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Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

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DT03 Rec'd PCT/PTO .09 JUL 2004

FORM PTO-1390
REV. 2/01T

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

CUSTOMER NO. 22,852
ATTORNEY'S DOCKET NUMBER

075520032

U.S. APPLICATION NO.
(If known, see 37CFR1.5)

INTERNATIONAL APPLICATION NO.

PCT/IB02/05572

INTERNATIONAL FILING DATE

December 20, 2002

PRIORITY DATE CLAIMED

December 28, 2001

**TITLE OF INVENTION: NON-INVASIVE DEVICE FOR MEASURING BLOOD TEMPERATURE IN A
CIRCUIT FOR THE EXTRACORPOREAL CIRCULATION OF BLOOD, AND EQUIPMENT PROVIDED
WITH THIS DEVICE**

**APPLICANTS FOR DO/EO/US: 1) Francesco FONTANAZZI, 2) Francesco PAOLINI, 3) Massimo ZACCARELLI,
4) Giorgio DE CICCO, and 5) Annalisa DELNEVO**

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau.
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☐ Other items or information:
 - a. ☐ Copy of cover page of International Publication No. **WO 03/055544 A1**.
 - b. ☐ Copy of Notification of Missing Requirements.
 - c. ☐ Authorization To Act In A Representative Capacity.

U.S. APPLICATION NO. (If known, see 37CFR 1.53)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
		PCT/IB02/05572		<div style="text-align: right;"> 10 Rec'd PCT/PTO 09 JUL 2004 10 Rec'd PCT/PTO 09 JUL 2004 </div>	

21. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). ☐ 20 ☐ 30

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	33	- 20 =	13	x \$18.00	\$
Independent Claims	1	- 3 =	0	x \$86.00	\$
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$290.00	\$
TOTAL OF THE ABOVE CALCULATIONS =					\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					\$
SUBTOTAL =					\$
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30					\$
TOTAL NATIONAL FEE =					\$
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. +					\$
TOTAL FEES ENCLOSED =					\$
					Amount to be refunded: \$
					charged: \$

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a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0916. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.

1300 I Street, N.W.

Washington, D.C. 20005-3315

EFC/FPD/sci

DATED: July 9, 2004

SIGNATURE

Ernest F. Chapman/25,961

NAME/REGISTRATION NO.